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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/756,917

01/14/2004

Rob G. Parrish

1475-00401

3760

23505

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10/06/2006

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EXAMINER

CHAMBERS, A MICHAEL

ART UNIT

PAPER NUMBER

3753

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/756,917	<b>Applicant(s)</b> PARRISH, ROB G.	
	<b>Examiner</b> A. Michael Chambers	<b>Art Unit</b> 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10, 31-56 and 62-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. This action is in response an amendment filed July 17, 2006. claim 1 has been cancelled. Claims 2-9, 31, 32, 34-39, 41-43, 45-47, 49, 50, 53 and 54 have been amended. Claims 11-30 and 57-61 have been withdrawn. This application is a divisional application of serial number 09/612,354 filed July 7, 2000, now US patent 6,684,722 issued February 3, 2004. Claims 2-71 are pending. . Applicant's election of the claims of Figure 4 without traverse is noted. Nonelected claims 11-30, and 57-61 are withdrawn from consideration as readable on the nonelected species of Figures 1, 2, 3, 5, 6, 9, 10, 13, 14, and 16. Applicant state that independent claims 2, 62 and 71 and dependent claims 3-10, 15-20, 24-26, 29-56, 61 and 63-70 are readable on the elected species of Figure 4. Applicant is asked to maintain a clear line of demarcation between the subject matter of the parent patent application and the instant application. An action on the merits of claims 2-10, 31-56 and 62-71 is included in this Office action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 2 and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by McPherson.

Note column 5, lines 1+ and column 6, lines 10+ in which the selective interrupter 75 (i.e., rotatably supported within the valve body) to valve a plurality of apertures and control the

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pneumatic flow source 65, servo units 109, 111 to control the gyro wheel (on the instrument panel). This disclosure clearly supports the recitation that "...rotating the selective interrupter proportionally transitions a flow relationship between a first flow path and a second flow path.". Applicant's remarks, drawn to the lack of a teaching of flow control to an aircraft instrument, were considered and deemed persuasive. As discussed above, McPherson shows such "rotatable" valve flow control to an aircraft instrument panel (gyro wheel). With regard to claim 2, McPherson clearly shows a bonnet, arm and actuator for a rotary valve. Contrary to applicant's remark's the rotation of the selective interrupter 75 "...proportionally transitions a flow relationship between a first flow path and a second flow path..." between the flow source and the servo units 109, 111. The recitation of the "...valve adapted to be installed into an instrument panel..." remains readable on the patent to McPherson. Adapted is read only as "capable of" which is clearly true for the valve of McPherson.

3. Claims 3-10, 31, 37-56 and 71 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons as cited in the previous Office action. Note the plurality of apertures valved by the interrupter 46A. Applicant's remarks were considered, however, not deemed persuasive. Contrary to applicant's remarks, the "selective interrupter" 46 is rotated (see column 7, lines 7+). Such rotation is disclosed "...the dispersal streams from the outer circle of nozzles 82...are synchronized...". Simmons discloses that the "...axial rotation of valve element 46A increases the pressure flow in one branch of a dual entry nozzle as it decreases the pressure flow in the other branch...". Contrary to applicant's remarks, this disclosure clearly supports the recitation that "...rotating the selective interrupter proportionally transitions a flow relationship between a first flow path and a second flow path.". No patentable weight has been given to the recitation of

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“...for use in aircraft...” in that aircraft elements (for example, instrument panel) have not been recited in the body of the claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

7. Claims 32-36 and 62-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenyon et al in view of Bernardi as cited in the previous Office action. Kenyon et al disclose the claimed invention except for the recitation of the valve for the gyroscope of Kenyon et al is a rotary multi-way valve as taught by Bernardi. Applicant's remarks were considered, however, not deemed persuasive. Contrary to applicant's remarks, this disclosure clearly supports the recitation that "...rotating the selective interrupter proportionally transitions a flow relationship between a first flow path and a second flow path.". Bernardi shows an actuator for a "selective

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interrupter” 12, 16 in Figure 1. The valve body which is part of the selective interrupter is hollow. The valve head of Bernardi is disposed in the hollow body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute for the valve (Figure 2, lines 19+) as taught by Bernardi et al (Figure 1) in order to provide more effective control of the aircraft pressure actuating fluid (motivation). The patent to Kenyon et al is a pneumatic device and any valve teaching of a fluid (water or air) is readily applicable as a modify teaching of another fluid system. The claim 2 rejection in view of Kenyon et al in view of Bernardi has been withdrawn. See paragraph 3 above.

### ***Conclusion***

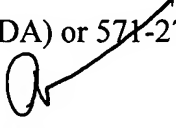
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patents to Malina et al and McPherson are of particular interest.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Michael Chambers whose telephone number is 571-272-4908. The examiner can normally be reached on Mon-Thur. 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on 571-272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A. Michael Chambers  
Primary Examiner  
Art Unit 3753

amc  
09/26/06